

Exhibit "A"

December 31, 2003

Mayor & City Council
County-City Building
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for December 1 through December 31, 2003

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of December 1 through December 31, 2003. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

State Farm Insurance Co. (Julia M. Larson and Helen Larson, Insured) filed a claim during the month of June, 2003, in the amount of \$20,102.23 for damages and injuries incurred as the result of a motor vehicle accident involving a StarTran bus. This claim was reviewed by this office and the allowance of this claim in the amount of \$20,102.23 was approved by the City Council on September 8, 2003. On December 11, 2003, State Farm Insurance Co. submitted additional expenses paid on behalf of its insured in the amount of \$500, which has been **allowed**.

Samuel Salguero filed a claim during the month of July, 2003, in the amount of \$25,000 for injury incurred as the result of an accident involving a Lincoln police vehicle. This claim has been reviewed by this office and has been **settled** in the amount of \$9,000.

Ray Hill filed a claim during the month of September, 2003, in the amount of \$430.16 for damage incurred to his vehicle when it was struck by debris from a broken water main. This claim has been reviewed by this office and has been **allowed** in the amount of \$430.16.

Laura Levy filed a claim during the month of November, 2003, in the amount of \$843.16 for cleaning expense incurred as the result of a water main break. This claim has been reviewed by this office and has been **allowed** in the amount of \$843.16.

Judith Yeck filed a claim during the month of November, 2003, in the amount of \$74.85 for cleaning expense incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **allowed** in the amount of \$74.85.

Kris Renner filed a claim during the month of November, 2003, in the amount of \$394.90 for reimbursement of tow and storage fees incurred on a vehicle that was held as evidence in a criminal matter. This claim has been reviewed by this office and has been **settled** in the amount of \$320.00.

Allied Insurance (Lauterbach, Insured) filed a claim during the month of November, 2003, in an unspecified amount for property which was held as evidence in a criminal matter and was sold at auction. The insurance company is seeking the proceeds from the auction. This claim has been reviewed by this office and has been **settled** in the amount of \$175.00.

Wendy Bolls filed a claim during the month of November, 2003, in an unspecified amount for damage incurred to her vehicle when it was struck by a Lincoln fire truck. This claim has been **settled** by the Risk Management Office in the amount of \$1,161.49.

Nancy Carr filed a claim during the month of December, 2003, in the amount of \$1,857.54 for damage incurred as the result of a broken water meter. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,857.54.

Rosemary I. Dobson filed a claim during the month of December, 2003, in the amount of \$85.66 for damage incurred to her vehicle when it was struck by a police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$85.66.

David Williams filed a claim during the month of December, 2003, in the amount of \$91.78 for damage incurred to his vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$91.78.

Kris Johnson filed a claim during the month of December, 2003, in an unspecified amount for damage incurred to her vehicle as the result of an accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$3,361.85.

State Farm Insurance (Sandy Fritz, Insured) filed a claim during the month of December, 2003, in the amount of \$2,217.77 for damage incurred to insured's vehicle as the result of an accident involving a City vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$2,217.77.

Jean M. Young filed a claim during the month of December, 2003, in the amount of \$421.47 for damage incurred to her vehicle when it was struck by a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$421.47.

DENIED CLAIMS:

James E. Ford filed a claim during the month of November, 2003, in the amount of \$94.00 for damage incurred to lawn sprinkler head as the result of the placement of a "traffic caution" sign. This claim has been reviewed by this office and has been **denied**.

Mark Sneddeker filed a claim during the month of November, 2003, in the amount of \$73.00 for reimbursement of parking fine and tow fee. This claim has been reviewed by this office and has been **denied**.

Ken and Evelyn Beason filed a claim during the month of December, 2003, in the amount of \$349.61 for damage allegedly incurred to their vehicle and driveway as the result of a fallen tree branch. This claim has been reviewed by this office and has been **denied**.

Lisa Trevena filed a claim during the month of December, 2003, in the amount of \$500,000 for alleged injury incurred when claimant slipped and fell on ice outside the doorway of the north side of 605 South

10th Street (County Corrections Building). This claim has been reviewed by this office and has been **denied**.

Ben Tomes filed a claim during the month of December, 2003, in the amount of \$2,645.04 for alleged damage incurred to brick mailbox structure as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Jim and Joyce Schiefelbein filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to sod and sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

LITIGATION SETTLEMENTS:

The Estate of J. Michael Lawlor and Sue Lawlor individually filed claims during the month of February, 2001, in unspecified amounts alleging negligence by Lincoln Fire Department personnel in their care and treatment of J. Michael Lawlor. Counsel for claimant withdrew his client's claim on February 20, 2002, for the purpose of initiating legal action. A petition was filed in the Lancaster County District Court on August 13, 2002. On or about December 18, 2003, this case was **settled** by mutual agreement of the parties. The terms of the settlement were that the City's insurer, St. Paul Fire and Marine Insurance Company, paid the Plaintiff \$18,500.00 in return for which the Plaintiff released the City of Lincoln from all claims and dismissed the suit. There was no admission of liability associated with the settlement.

Norval D. Emery filed a claim during the month of June, 2003, in the amount of \$965.50 for damages incurred to a door and window of his trailer when Lincoln police were serving an arrest warrant for claimant's grandson. This claim was reviewed by this office and denial of this claim was approved by the City Council on July 28, 2002. Claimant filed a claim in the Small Claims Court of Lancaster County and the case was then transferred to the Civil Docket of the Lancaster County Court. This case has been **settled** in the amount of \$600.00.

PENDING CLAIMS:

County of Lancaster filed a claim during the month of October, 2001, for medical expenses incurred as the result of an arrest by Lincoln police of an individual who was taken to the hospital for treatment of injuries allegedly incurred during his arrest. The County alleges that they inadvertently paid for part of the medical expenses. This claim is under review and is **pending**.

Norm and Janet Pavlish and Melissa Pavlish filed a claim during the month of January, 2003, in an unspecified amount for alleged damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim is under review and is **pending**.

Inspro Insurance filed a claim on behalf of **Darrin Brittenham** during the month of February, 2003, in the amount of \$1,900.98 for damage incurred to vehicle when it was struck by a Lincoln police vehicle. This claim is under review and is **pending**.

Carl Campbell, President of Campbell Properties Corporation filed a claim during the month of April, 2003, in the amount of \$306,500 alleging that the City failed to remove obstructions consisting of trees, limbs, debris, and rubbish in the watercourse running through Beal Slough allegedly causing water flowing through Beal Slough to erode the property of the claimant. This claim is under review and is **pending**.

Kory and Diana Lind/Lind Lawn Service and Farm Bureau Insurance Company filed a claim during the month of May, 2003, in the amount of \$915.97 for damage incurred to their vehicle when it was struck by a StarTran bus. This claim is under review and is **pending**.

Linda Voss filed a claim during the month of May, 2003, for damages and injuries incurred as the result of a motor vehicle accident involving a StarTran bus. **Farmers Insurance** filed a subrogation claim during the month of June, 2003, for expenses paid on behalf of its insured, Linda Voss. These claims are under review and are **pending**.

Craig A. Workman filed a claim during the month of June, 2003, in the amount of \$454.75 for damage incurred to his vehicle when it was allegedly sprayed with paint that was being used to mark manholes in the area of the 70th and "O" street construction project. This claim is under review and is **pending**.

Suzanne Cain filed a claim during the month of July, 2003, in the amount of \$500,000 for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim is under review and is **pending**.

Pam Brady filed a claim during the month of August, 2003, in the amount of \$2,085.00 for alleged damages incurred as the result of a broken water main. This claim is under review and is **pending**.

Juanita Williamson filed a claim during the month of September, 2003, in the amount of \$53,797.47 for alleged damages incurred to two of her rental properties as the result of a damaged water main. This claim is under review and is **pending**.

Steve and Patsy Meyer filed a claim during the month of September, 2003, in the amount of \$9,851.86 for alleged damages incurred as the result of storm water flooding the basement of their residence. This claim is under review and is **pending**.

Williamsburg Partnership d/b/a Williamsburg Apartments filed a claim during the month of September, 2003, in the amount of \$47,311.76 for alleged damages incurred as the result of a water main break. This claim is under review and is **pending**.

Todd Johns filed a claim during the month of October, 2003, in the amount of \$1,321.62 for alleged damages incurred as the result of a damaged water main. L.E.S. contractor allegedly struck water main causing damage. This claim is under review and is **pending**.

Deborah Dilbeck, on behalf of her minor child, Morgan Dilbeck, filed a claim during the month of October, 2003, for injury incurred when Morgan tripped and fell on a sidewalk near Rousseau Elementary School. This claim is under review and is **pending**.

Mary M. Tutt filed a claim during the month of November, 2003, in the amount of \$581.54 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Vernah C. Petersen filed a claim during the month of November, 2003, in the amount of \$253.00 for hospital expense incurred as the result of a trip and fall on sidewalk. This claim is under review and is **pending**.

Bryan and Patti Clark filed a claim during the month of November, 2003, in the amount of \$17,819.06 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

John Chapman filed a claim during the month of November, 2003, in an unspecified amount for damage allegedly incurred to his vehicle as the result of striking a manhole in an alley. This claim is under review and is **pending**.

Scott Stovall filed a claim during the month of November, 2003, in the amount of \$267.00 for damage allegedly incurred to his vehicle when it was struck by a Parks & Recreation vehicle. This claim is under review and is **pending**.

Angela Dietz filed a claim during the month of December, 2003, in an unspecified amount for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Jeff and Jenny O’Gorman filed a claim during the month of December, 2003, in the amount of \$18,313.09 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Liberty Mutual Insurance (Richard Rung/United Parcel Service , Insured) filed a claim during the month of December, 2003, in an unspecified amount for alleged injury incurred to Richard Rung when he, while delivering a package, stepped into an 18-inch hole between the sidewalk and the street, which was allegedly covered by leaves. This claim is under review and is **pending**.

Naomi Synovec filed a claim during the month of December, 2003, in the amount of \$392.48 for alleged damage incurred to private sewer line when new City sewer main was installed, which caused sewer to back-up into claimant’s residence. This claim is under review and is **pending**.

Sharon Siefken filed a claim during the month of December, 2003, in an unspecified amount for damage incurred to her vehicle when it was struck by a StarTran bus. This claim is under review and is **pending**.

Todd Belgum filed a claim during the month of December, 2003, in the amount of \$4,710.00 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Irmgard Hummel filed a claim during the month of December, 2003, in the amount of \$1,044.52 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

Carol J. Portsche filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to her mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Awards Unlimited filed a claim during the month of December, 2003, in the amount of \$23,939.63 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Gary Crow filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to sod and sprinkler system as the result of snow removal activity. This claim is under review and is **pending**.

Daniel Post filed a claim during the month of December, 2003, in the amount of \$122.50 for alleged damage incurred to sod and sprinkler system as the result of snow removal activity. This claim is under review and is **pending**.

FMA Realty / B & J Partnership / Brewsky's filed a claim during the month of December, 2003, in the amount of \$12,399.13 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Scott Cather filed a claim during the month of December, 2003, in an unspecified amount for damage incurred to mailbox when it was struck by a StarTran bus. This claim is under review and is **pending**.

John Zaugg filed a claim during the month of December, 2003, in the amount of \$121.15 for damage incurred to a tire on his vehicle allegedly as the result of a defect in the street. This claim is under review and is **pending**.

Rick Melichar filed a claim during the month of December, 2003, in the amount of \$200.85 for damage incurred to the windshield of his vehicle as the result of debris that allegedly fell from a City dump truck. This claim is under review and is **pending**.

Kathy Grabber filed a claim during the month of December, 2003, in the amount of \$448.44 for damage incurred to her vehicle when it was struck by a StarTran bus. This claim is under review and is **pending**.

Robb Hayes filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to his mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Brandon Catalina filed a claim during the month of December, 2003, in an unspecified amount for vehicle that was sold at police auction. This claim is under review and is **pending**.

Mike and Alice Epstein filed a claim during the month of December, 2003, in the amount of \$250.00 for alleged damage incurred to sod as the result of snow removal activity. This claim is under review and is **pending**.

Trina Wiese filed a claim during the month of December, 2003, in the amount of \$1,211.05 for alleged damage incurred to her vehicle as the result of a fallen tree branch. This claim is under review and is **pending**.

Helen Seip filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to sod as the result of snow removal activity. This claim is under review and is **pending**.

Ricky Austin filed a claim during the month of December, 2003, in the amount of \$500,000 for alleged injury incurred while claimant was in police custody in the back seat of a police vehicle when it was rear-ended by another police vehicle. This claim is under review and is **pending**.

Alan Belka filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to sod as the result of snow removal activity. This claim is under review and is **pending**.

Charles A. Chandler filed a claim during the month of December, 2003, in the amount of 17.96 for alleged damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Eldon Wilhelm filed a claim during the month of December, 2003, in the amount of \$100.00 for alleged damage incurred to sod as the result of snow removal activity. This claim is under review and is **pending**.

David and Donna Taylor filed a claim during the month of December, 2003, in the amount of \$75.84 for alleged damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

Cindy Schumacher filed a claim during the month of December, 2000, in the amount of \$500,000 for alleged injury incurred when claimant was allegedly struck by a water bottle that was thrown into the stands by a cheerleader at a Lincoln Lightning football game at Pershing Auditorium. Counsel for claimant withdrew his client's claim on August 13, 2001, and filed a petition in the Lancaster County District Court on August 15, 2001. Litigation is **pending**.

Sharon Mitchell filed a claim during the month of March, 2001, in an unspecified amount for damages allegedly incurred as the result of a pothole in an alley. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 4, 2001. Counsel for claimant filed a petition in the Lancaster County Court on September 24, 2001. Plaintiff prays for special damages in the amount of \$4,014.13, general damages, interest, and costs of action. Litigation is **pending**.

Jason Blair filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on September 26, 2001. Plaintiff prays for judgment in the amount of \$10,875.23, general damages, and costs of action. Litigation is **pending**.

Robert Blankenship filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on December 20, 2001. Litigation is **pending**.

State Farm Insurance Co. filed a subrogation claim during the month of November, 2000, regarding an accident involving a vehicle driven by their insured, Robin Baker, and a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on July 2, 2001. Counsel for Robin Baker filed a petition in the Lancaster County Court on June 5, 2002. Litigation is **pending**.

Rex Miller filed a claim during the month of October, 2001, in the amount of \$20,000 for alleged injury incurred when the swing that claimant was swinging on at Ballard Park allegedly failed and dropped claimant to the ground. This claim was reviewed by this office and denial of this claim was approved by the City Council on January 14, 2002. Counsel for Rex Miller filed a petition in the Lancaster County District Court on June 27, 2002. Litigation is **pending**.

Lois Lockman filed a claim during the month of June, 2002, in the amount of \$500,000 for alleged injury incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 2, 2002. Counsel for Lois Lockman filed a petition in the Lancaster County District Court. Litigation is **pending**.

Sue and Bill Wilson filed a claim during the month of April, 2002, in an unspecified amount for alleged damages incurred when Sue Wilson tripped on a mat at the Ager Play Center. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. Litigation was filed in the Lancaster County District Court and is **pending**.

Patricia and James Dodson filed a claim during the month of March, 2002, on behalf of their minor daughter, Jean Dodson, who was playing keyboard with her high school pep band at State basketball tournaments at Pershing Auditorium, when she allegedly received an electrical shock while adjusting an amplifier which was connected to an extension cord supplied by Pershing Auditorium. Claimants alleged that the extension cord was faulty. This claim was referred to the insurer for Pershing Auditorium. Claimants withdrew their claim on January 21, 2003. A petition was filed in the Lancaster County District Court on January 30, 2003. Plaintiffs are praying for special damages in the amount of \$29,478.26 for medical expenses incurred to date, future medical expenses, temporary and permanent disability, pain and suffering to date and likely to be suffered in the future and loss of future earning capacity. Litigation is **pending**.

Steven Shelor filed a claim during the month of August, 2002, for alleged injury incurred when claimant was playing catch with a softball in the vicinity of a culvert. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 16, 2002. Counsel for Steven Shelor filed a petition in the Lancaster County District Court on February 3, 2003, naming the Lincoln Airport Authority and the City of Lincoln as defendants. Plaintiff is praying for special damages in the amount of \$1,270.00 and general damages. Litigation is **pending**.

Sandra Mueller filed a claim during the month of January, 2003, in the amount of \$650,000 for alleged damages incurred as the result of an alleged incident involving a vehicle operated by a Lincoln Electric System employee. Sandra Mueller's husband, **Duane Mueller**, has filed a claim in the amount of \$250,000 for alleged damages incurred as a result of the alleged incident. These claims were referred to counsel for Lincoln Electric System. Counsel for the Muellers filed a petition in the Lancaster County District Court on August 5, 2003. Litigation is **pending**.

Ella Banks Barbee filed a claim during the month of May, 2002, in the amount of \$75,000. Claimant alleges that she was wrongfully arrested. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 17, 2002. Counsel for claimant filed a complaint in the U.S. District Court on September 8, 2003. Litigation is **pending**.

James Blake filed a claim during the month of March, 2002, in the amount of \$10,139.77 for injury incurred when claimant fell into a water meter pit. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. Counsel for claimant has filed suit in the Lancaster County District Court naming Kwik Shop, Inc., Lincoln Lease Partners, and the City of Lincoln as Defendants. Litigation is **pending**.

Elizabeth Tufts filed a claim during the month of October, 2002, in the amount of \$1,000,000 for damages incurred when claimant was a passenger in a police vehicle that was involved in an accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 25, 2002. Counsel for claimant filed suit in the Lancaster County District Court on September 26, 2003. Litigation is **pending**.

Leo M. Weiler filed a claim during the month of July, 2003, in the amount of \$150,000. Claimant alleged that Lincoln police officers violated his rights under Neb. Rev. Stat. § 20-152 and the Americans With Disabilities Act. This claim was reviewed by this office and denial of this claim was approved the

City Council on September 15, 2003. Claimant filed suit in the Lancaster County District Court on October 15, 2003. Litigation is **pending**.

Nancy K. Carpenter filed a claim during the month of October, 2002, in an unspecified amount for injury allegedly incurred while a passenger on a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 25, 2002. Counsel for claimant filed suit in the Lancaster County Court on October 23, 2003. Litigation is **pending**.

Leonard Hernoud d/b/a Century Towing filed a claim during the month of December, 1998, in the amount of \$4,590.00 for alleged damages resulting from an incident wherein claimant alleges he was instructed by Lincoln police to release a vehicle to an individual without payment of towing and storage charges. This claim was reviewed by this office and denial of the claim was approved by the City Council on July 12, 1999. Counsel for claimant filed a petition in the Lancaster County Court on July 27, 1999. The case was dismissed by the County Court for lack of prosecution on April 5, 2000. Counsel for claimant refiled a petition in the Lancaster County Court on March 25, 2002, captioned Leonard Hernoud II v. Officer Kocian #940. Pursuant to Defendant's motion for summary judgment, the County Court found that the Defendant in this case (Officer Kocian) is immune from being sued for damages and that the statute of limitations has run. Counsel for Plaintiff filed a notice of appeal to the District Court on July 1, 2003. On November 20, 2003, the District Court affirmed the judgment of the County Court in favor of Defendant, Officer Kocian. The case has now been appealed to the Nebraska Court of Appeals. Litigation is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management